

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Robert Koon a/k/a Robert Holland)	Civil Action No.: 2:12-cv-03213-RBH
Koon a/k/a Robert H. Koon,)	
)	
Plaintiff,)	
)	ORDER
v.)	
)	
Director William B. Byars, Jr., et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Robert Koon, a state prisoner proceeding pro se, filed this action, alleging constitutional claims. The matter is now before the Court for review of the Report and Recommendation of United States Magistrate Judge Bruce Howe Hendricks, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.¹ The Magistrate Judge recommends that the Court dismiss Plaintiff's complaint with prejudice for failure to prosecute.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. See Mathews v. Weber, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

¹ Defendants had filed a motion for summary judgment (ECF No. 28), to which Plaintiff failed to respond.

Neither party has filed objections to the Report and Recommendation. The mail sent by the Court to Plaintiff, which enclosed the Report and Recommendation, was “Returned to Sender” as “Refused.” In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’ ”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

ORDERED that Plaintiff’s complaint be **DISMISSED** with prejudice for failure to prosecute. All pending motions are **DEEMED** moot.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell
United States District Judge

Florence, South Carolina
August 16, 2013